

Case: **TA2011019 – Zoning/Drainage Clearance**
Hearing Dates: November 17, 2011 Maricopa County Planning & Zoning Commission
December 14, 2011 Maricopa County Board of Supervisors (tentative)

TA2011019 is a Text Amendment to the Maricopa County Zoning Ordinance relating to Zoning and Drainage Clearance for non-habitable accessory buildings and structures. Send any comments to Darren Gerard, Deputy Director at darrengerard@mail.maricopa.gov.

Article 1504.5. ZONING CLEARANCE: It shall be unlawful to construct, alter, repair or improve, remove or demolish, or to commence the creation, construction, alteration, removal or demolition of a building, structure or use without first filing with the Zoning Inspector an application in writing and obtaining a Zoning Clearance, except that such clearance shall not be required for:

1. ~~Repairs or improvements of a value of less than \$500 dollars.~~ A non-habitable accessory building or structure that is a single story and no greater than 120 square feet in floor area.
2. Fences or walls with an overall maximum finished height of six feet or less, unless said fence:
 - a. Is part of a pool barrier;
 - b. Serves to retain soil greater than 18 inches, as measured vertically from finished grade;
 - c. Is associated with any hillside development;
 - d. Is used as a corral;
 - e. Is the primary use of the property, or
 - f. Is on a corner lot abutting a key lot as outlined in Section 601, Article 601.2.12 of this Ordinance.

Article 1205.7.1. Drainage Clearance

Except as provided for in this Section, ~~a~~A drainage clearance shall be required for any development or substantial improvement which may have an adverse effect on existing drainage. Unless substantial construction as approved by the Drainage Administrator has occurred within 180 days of such approval, the drainage clearance may be declared null and void and removal may be ordered of any partially completed or minor improvements which may adversely affect drainage as determined by the Drainage Administrator. Upon application, the

Drainage Administrator may approve a renewal of an expired Drainage Clearance for an additional 180 days.

Provided no development is to be located within a retention basin or drainage way, a drainage clearance shall not be required for: (i) any building with an area of 120 square feet or less, or (ii) for pipe rail type fencing that is not permanently affixed to the ground.

An exemption from requirements for Zoning Clearance, Building Permit, Health Department clearance or other permits does not constitute an exemption for drainage clearance, unless such exemption is granted by statute.

A Final Drainage Clearance must be requested prior to a final Certificate of Occupancy for permits issued to construct commercial, industrial, educational, institutional, and such dwelling units as condominiums and apartments.

A floor/stemwall/foundation inspection approval is required prior to a request for a final building inspection for a single family dwelling, additions thereto or accessory buildings.

Final drainage inspection approval shall be obtained within ninety (90) days of the date of notice of deficiencies noted at the time of the final drainage inspection or final Building Inspection, whichever is the longer period.